

REMARKS/ARGUMENTS

After entry of this amendment, claims 1-21 are pending in the subject application. Claims 1, 3, 9, 10, and 17 have been amended to further distinguish the present invention over the cited references. Claim 2 has been canceled. Reconsideration of the application as amended is respectfully requested.

The Examiner rejected claims 1-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner noted that it is unclear if Applicant intended to claim a combination including a base and machine, since a base is claimed with specific interconnection with a machine, such machine not being positively claimed making the metes and bounds of the claims unclear and confusing to a potential infringer. The Examiner required that clarification and correction be made to the application.

Applicant respectfully notes that it did not intend to claim a combination of the modular base and the industrial machine, nor did it intend to claim an industrial machine. Therefore, Applicant has amended the claims by removing the language relating to the specific interconnection of the machine and the modular base and replacing such language with general language relating to the relationship between the modular base and the machine. With these clarifications and amendments in mind, Applicant respectfully requests that the Applicant reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1, 2, 4, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge, United States Patent No. 1,107,069, in view of Hughes, United States

Patent No. 4,066,023. The Examiner asserted that the patent to Hardinge teaches structure substantially as claimed including table, means for securing (at 6) including mounting plates, the only difference being that there is no means for adjusting position. However, the Examiner contends that the patent to Hughes (at 24) teaches the use of providing adjusting structure for a work surface to provide mobility to be old. The Examiner asserted that it would have been obvious at the time of the invention to modify the structure of Hardinge to include a means for adjusting position, as taught by Hughes since such structures are conventional, alternative support structures used in the same intended purpose, thereby providing structure as claimed.

Applicant respectfully notes that the patent to Hughes discloses a copy machine stand for use in conjunction with a copy machine. However, both the copy machine stand and the office copy machine have independent support structures. For instance, the copy machine 10 is supported by base 24 on a floor (Col. 2, lines 39-40). Base 24 appears to be castor wheels, which independently support the office copy machine from the copy machine stand. The framework of the copy machine stand has four legs 32, 34, 36, and 38, which are interconnected by bottom braces 42, 44, and 46 (Col. 2, lines 51-53). Feet 64 are attached to the end of the legs on the floor (Col. 2, lines 66-67). The copy machine stand is independently supported from the office copy machine, and the base 24 or castor wheels of the office copy machine are not connected to the legs 32, 34, 36, and 38 of the copy machine stand, as distinguished from the structure defined in Applicant's claims. Thus, the office copy machine may be independently rolled in and out of the copy machine stand with the removal of removeable brace 66 (Col. 3, lines 3-6).

Applicant has amended claim 1 by consolidating claims 1 and 2, and in so doing, Applicant respectfully notes that amended claim 1 calls for a plurality of rollers to be connected to the legs of

the mounting table. Hughes does not teach nor disclose the use of rollers connected to the legs to provide adjustment to the structure or to provide mobility to the work surface. In addition, neither Hardinge nor Hughes disclose, teach, or suggest a plurality of telescopically-adjustable legs connected to the mounting table for adjusting the height of the mounting table, as claimed in claim 9. Therefore, in light of the amendments made to the claims and the distinctions made with respect to the cited references, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections to claims 1, 2, 4, 9, and 10 under 35 U.S.C. § 103(a) over Hardinge in view of Hughes.

The Examiner rejected claims 3, 6, 7, 8, 11, 12, 14, 15, 16, 17, 19, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Hughes as applied to the claims above, and further in view of Doyle, United States Patent No. 6,595,144. The Examiner asserted that the patent to Hardinge in view of Hughes teaches structure substantially as claimed as discussed above, including a plurality of legs, the only difference being that the legs are not telescopically-adjustable with control means. However, the Examiner further contends that the patent to Doyle teaches the use of providing telescopically-adjustable leg structures with control means to be old. The Examiner contends that it would have been obvious and well within the level of ordinary skill in the art at the time the invention was made to modify the structure of Hardinge in view of Hughes to include vertically adjustable legs and control means, as taught by Doyle since such structures are conventional alternative supporting structures use in the same intended purpose thereby providing structure as claimed, so far as defined. The Examiner further asserts that the use of pneumatic adjusting structures and control means is conventional structure commercially available. The Examiner further noted that to use such structures as an alternative structure used in the same intended purpose of providing an adjustment would have been obvious and well within the level of ordinary skill in the art, thereby

providing structure as claimed, so far as defined.

Applicant respectfully notes that the Hughes reference fails to disclose a plurality of rollers connected to the supporting legs of a mounting table, as previously discussed. Therefore, the cited claims in combination with either claim 1 or 9 have not been disclosed, taught, nor suggested by the cited references. The Examiner may also wish to note that the programmable controller, control panel, and pneumatic controller defined in claims 6-8, 14-16, and 19-21 are not related to the drive provided for telescopic adjustment of the support legs, but rather, such structure is provided for adaptation to the industrial machine. Applicant also notes that the U-shaped plate fabricated from a hardened steel, wherein the open shape of the U-shaped plate is accessible to a user, has also not been disclosed, taught, nor suggested by the cited references. Therefore, in light of the amended claims and the distinctions made with regard to the cited references, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections cited under 35 U.S.C. § 103(a) over Hardinge in view of Hughes and further in view of Doyle.

The Examiner rejected claims 5 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Hughes as applied to the claims above, and further in view of Ostertag, et al., United States Patent No. 6,267,064. The Examiner asserts that the patent to Hardinge in view of Hughes teaches structure substantially as claimed as discussed above including a table, the only difference being that there is no lighting fixture to provide light for the work area. However, the Examiner further asserted that the patent to Ostertag, et al. teaches the use of providing a lighting fixture for a work surface to be old. The Examiner further concluded that it would have been obvious and well within the level of ordinary skill in the art at the time the invention was made to modify the structure of Hardinge in view of Hughes to include a lighting fixture, as taught by Ostertag, et al.,

since such structure is used in the same intended purpose of providing light for structures placed thereon, thereby providing structure as claimed, so far as defined.

Applicant respectfully notes that the Examiner has failed to provide a cited reference which discloses, teaches, or suggests the structure defined in claims 1 and 9, as previously discussed, and therefore, claims 5 and 13 when combined with claims 1 and 9, provide structure that has not been disclosed, taught, nor suggested by the cited references. Therefore, Applicant respectfully requests that in light of the amendments to the claims and the distinctions noted with respect to the cited references, the Examiner reconsider and withdraw the rejections made to claims 5 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Hughes and further in view of Ostertag, et al.

The Examiner rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Hughes and Doyle as applied to the claims above, and further in view of Ostertag, et al. The Examiner contends that the patent to Hardinge in view of Hughes and Doyle teaches structure substantially as claimed as discussed above including a table, the only difference being that there is no lighting fixture to provide light for the work area. However, the Examiner further contended that the patent to Ostertag, et al. teaches the use of providing a lighting fixture for a work surface to be old. The Examiner concluded that it would have been obvious and well within the level of ordinary skill in the art at the time the invention was made to modify the structure of Hardinge in view of Hughes to include a lighting fixture, as taught by Ostertag, et al. since such structure is used in the same intended purpose of providing light for structures placed thereon, thereby providing structure as claimed, so far as defined.

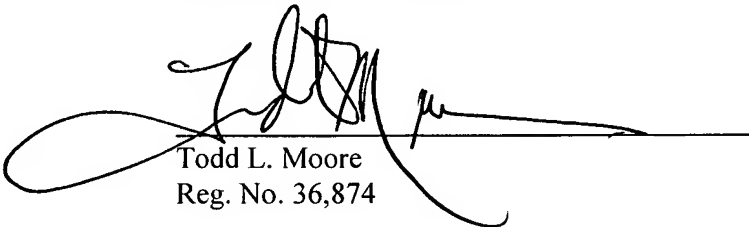
Applicant respectfully notes that claim 18 in combination with claim 17 has not been

disclosed, taught, nor suggested by the cited references. The references do not disclose a plurality of castor wheels adjustably connected along the height of the legs for rollably moving and mounting the table to a desired location. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection to claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Hughes and Doyle and further in view of Ostertag, et al.

For the foregoing reasons and in light of the claims as amended, Applicant respectfully requests that the objections and rejections be withdrawn, and the claims be allowed to proceed to issue.

The Examiner is invited to contact Applicant's undersigned Attorney at (734) 662-0270 or by electronic mail at tlmyb@aol.com if there are any questions in regard to this matter.

Respectfully Submitted,



Todd L. Moore
Reg. No. 36,874

DATED: November 14, 2006